

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 8, 2013**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 31, 2012 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President:	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney:	Aravind Aithal
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PRESENTATIONS

Michelle Lerner of the Animal Protection League of New Jersey attended the meeting to discuss Trap-Neuter-Return: humane and effective feral cat control.

Ms. Lerner indicated that Middlesex Borough is estimated to have approximately 2,000 feral cats that are not vaccinated and reproducing. She discussed the statistics of cats that had been impounded and euthanized in the last few years, and also the complaints that have been received.

Ms. Lerner explained why the trap and kill approach does not work which included: (a) must remove at least 75% of the cats every year to reduce population, (b) animal control officers cannot remove enough cats on their own to reduce the population; (c) the expensive cost of trap and kill, including the time involved; (d) does not control rabies; and (e) residents do not cooperate. Feeding bans also do not work to reduce the feral cat population.

Ms. Lerner explained how and why the Trap-Neuter-Return process works. The TNR is accepted or endorsed by the NJ Department of Health and Senior Services, and in excess of 150 New Jersey towns implement or allow TNR. At least 45 towns have ordinances or resolutions, and the other towns have policies, contracts, or informal arrangements. Animal Control Officers or health officers do assist with TNR in many towns and many towns also work with Nonprofit organizations.

The basic structure of municipal TNR programs include an oversight entity, caretakers and animal control. The oversight entity (sponsor) could be a nonprofit organization, committee or

animal control officer. This sponsor would register, support, monitor caregivers, maintain records, raise funds and provide training or access to training. The caregiver's responsibilities would be to establish baseline county, identify friendly adults to remove for adoption, identify kittens to remove for adoption, ongoing feeding, monitoring, cleaning and notify oversight entity of any new arrivals or medical problems. The Animal Control Officer is responsible to report nuisance complaints related to TNR's cats to the sponsor and allow time to resolve or remove cat absent emergency. If it is a trap ear-tipped cat, return to sponsor or caregiver or notify/allow retrieval for return, treatment, adoption and/or relocation, and possibly assist with TNR.

Recommendations for Middlesex include (1) Nonprofit to work with oversight entity (Paws for Peace); (2) Policy allowing TNR and setting guidelines and (3) exempt from individual licensing requirements. Ms. Lerner also recommended that the Borough amend their impoundment ordinance which indicates that unlicensed animals are impounded for 5 days, and NJ law requires it to be 7 days.

Ms. Lerner also recommended that the borough or the non-profit organization can apply for grants for funding, (PetSmart Charities provide grants to municipalities) and other foundations also provide grants. Ms. Lerner offered her assistance in finding these grants and can structure grant request. She also suggested that on the license applications we consider putting a donation space to help contribute to this TNR program.

Mayor Dobies referred this matter to the Councilman Schueler's Administration Committee to review and return to council to discuss at the February 26, 2013 Regular Meeting.

PROCLAMATIONS-NONE

PUBLIC HEARINGS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1821-13 by title for introduction.

**BOROUGH OF MIDDLESEX
ORDINANCE NO. 1821-13**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX -CHAPTER
100, SHADE TREE COMMISSION, SECTION 100-2 MEMBERSHIP**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

Amendment to Chapter 100, Section 100-2 Membership shall read as follows:

The Shade Tree Commission shall consist of five members, appointed by the Mayor, who shall be residents of the Borough of Middlesex, who shall serve without compensation. The Mayor shall also appoint 2 alternate members who shall have the right to attend all meetings of the Commission and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall

serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only.

APPOINTMENTS

Mayor Dobies moved to accept the resignation of Ms. Claire Levourne from the Shade Tree Commission seconded by Councilman DiMura and carried by a unanimous vote of Council. Mayor Dobies moved to appoint Jack Jenkins to the Shade Tree Commission seconded by Councilman Kaplan and carried by a majority vote of Council (Abstain: Councilwoman Jenkins).

ADOPTION OF MINUTES

Council President DiMura moved the approval of the November 20, 2012 and December 18, 2012 Executive Session Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the December, 2012 Finance Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
 - (b) Council President DiMura moved to reinstate the \$250.00 threshold for purchase orders without needing the approval of the Finance Committee seconded by Councilwoman Tackach and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light – Councilman Dotey had nothing to report.
3. Fire/OEM/Board of Health/Rescue Squad
 - (a) Councilman Kaplan requested that the Board of Health have access to use the Borough Environmental Attorney to attend a Board of Health meeting to discuss odor issues. Council approved.
 - (b) Councilman Kaplan was contacted by Laurie Thompson who indicated that the funding for flood mitigation funding has become available and the borough must submit a Letter of Intent immediately to move forward with elevation and acquisition of flood prone properties. Council approved the submittal of a Letter of Intent.
4. Public Works/Parks/Sanitation/Recycling – Councilwoman Jenkins had nothing to report.
5. Police/Legal/Code Enforcement/Municipal Court – Councilwoman Tackach had nothing to report.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds - Councilman Schueler had nothing to report.

REPORTS – NONE

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2012(B)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #32-13 - Resolution #38-13

Councilwoman Jenkins made a motion for approval, seconded by Councilman DiMura and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #32-13

The Tax Collector is hereby authorized to cancel 3rd & 4th quarter 2012 property taxes in the amount of \$3,434.81 and 1st & 2nd quarter 2013 property taxes in the amount of \$3,370.80 on Block 245, Lot 4, 145 So Lincoln Ave. The homeowner has been certified as 100% totally disabled during wartime service by the Department of Veteran Affairs.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #33-13

The Tax Collector is hereby authorized to issue a check in the amount of \$15,950.27 to redeem tax sale certificate #2012-1805, Block 288, Lot 39, 201 Egel Avenue and to issue a check in the amount of \$23,000 to refund a tax sale premium. The checks are to be made payable to:

FWDSL & Associates LP
290 US Highway 22 West
Green Brook, NJ 08812

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #34-13

WHEREAS, Joseph & Diane Diefenbacher was issued a street opening permit on 06/19/12; and

WHEREAS, Joseph & Diane Diefenbacher deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 2 Starlit Drive was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Joseph & Diane Diefenbacher, 2 Starlit Drive, Middlesex NJ 08846, for refund of Street Opening Permit No. 2012-005.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #35-13

WHEREAS, Stewart Robel was issued a street opening permit on 12/23/09; and

WHEREAS, Stewart Robel deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 610 Drake Avenue was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of, Stewart Robel, 68 George Avenue, Middlesex NJ 08846, for refund of Street Opening Permit No. 2009-007.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #36-13

RESOLUTION APPOINTING MICHELE TACKACH AS THE MAYOR'S REPRESENTATIVE AND VIC CAPOLUNGI AS THE GOVERNING BODY REPRESENTATIVE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR 2013

WHEREAS, it is necessary for the Borough of Middlesex to appoint a representative to the Middlesex County Housing & Community Development for the year 2013; and

WHEREAS, the Borough of Middlesex is authorized to have a representative appointed to this Committee, one to be appointed by the Mayor and one to be appointed by the Governing Body; and

WHEREAS, the Mayor has appointed Michele Tackach as his Class I representative to the Housing and Community Development Committee for 2012; and

WHEREAS, the Governing Body has appointed Vic Capolunghi as their representative to the HUD Committee.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. The Mayor hereby appoints Michele Tackach as the Class I representative and the Governing Body hereby appoints Vic Capolunghi as its representative to the Middlesex County Housing & Community Development Committee for the year 2013.
2. The Borough Clerk is hereby authorized and directed to send a letter to the Housing & Community Development Committee advising the Committee of names, addresses and telephone numbers of the two people who will be serving as representatives for the Borough of Middlesex to the Housing & Community Development Committee for 2013.
3. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #37-13

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES FOR BOROUGH CONFLICT PUBLIC DEFENDER
TO CARL A. TAYLOR III**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to appoint Carl A. Taylor III, 31 East High Street, Somerville, New Jersey as the Borough Conflict Public Defender for the Borough of Middlesex for the year 2013.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

1. Carl A. Taylor III whose office is located at 31 East High Street, Somerville, New Jersey is hereby appointed as the Borough Conflict Public Defender for the Borough of Middlesex for the period from January 1, 2013 through December 31, 2013 at a fee set forth in their Agreement, a copy of which is available in the Borough Clerk's Office.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #38-13

Authorizing the Mayor and Borough Clerk to execute the Solid Waste Disposal Agreement between the Borough of Middlesex and the Middlesex County Utilities Authority for a term commencing on January 1, 2013 – December 31 2015.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #39-13

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Council President DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS- NONE

1. Swim Pool Fee Increase – Mayor Dobies met with the Swim Pool Manager and discussed this increase and his concerns regarding an increase to senior citizens.
2. Personnel Policy – This policy was referred to the Administration Committee to review and make recommendations at the January 22, 2013 Regular Meeting.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Ed Johnson, 216 Hazelwood Avenue indicated that the Planning Board made an update to the Master Plan in June, and mentioned that there are a lot of poor recommendations put into the master plan. One recommendation is that the area in town with split zones should be corrected and follow the property lines (follow lot lines). He is concerned that the governing body has not made recommendations with respect to revisions proposed by the Planning Board. At this point if an applicant looks at the recommendations that have been made that are poor recommendations, they could argue that this is the intent of the town and the future. This update was done in June and there hasn't been any response to date from the governing body to the Planning Board. He requests that the Governing Body look at this plan and advise the Planning Board so that they can consider the recommendations of the council as soon as possible.

Pete Wasniak, 1200 Sheridan Avenue discussed (1) if the Shade Tree was a paid position and the relationship of Councilwoman Jenkins and Jack Jenkins of the Shade Tree (2) if there was a conflict with Councilman Schueler and his wife on the Board of Education with regard to the Board of Education litigation (3) the appropriation reserves from 2011 (4) the reserves from the Hurricane and (5) the deferred charges from Sandy; and (6) safety issues he was working on with Councilman Kaplan.

Rich Thomasey, 109 Green Avenue concerned that the field and track are closed and mentioned that the damage on the track is very minor, and a repair kit for \$300.00 would suffice to fix the 47 dings that are on the track. Mr. Thomasey also mentioned that the problem involving the Board of Education is communication, control, competence and ego and he resents his tax dollars paying legal fees because they cannot agree on a policy to cut the grass.

John Hoffman, 455 Lincoln Boulevard discussed (1) the Shade Tree Commission handling of the Cuba property on Greene Avenue, (2) the percentage of municipalities involved in the TNR program and how many municipalities have ordinances in place (3) Property Maintenance on Lincoln Boulevard (4) the discrepancy in the number of cats on the church property and why they were told it was not zoned for animals; (5) barber shop in his neighborhood (6) snow shoveling of businesses; (7) neighborhood dogs defecating on his property (8) business customers that block his property (9) the reduction in the size of his curb after the County resurfaced Lincoln Boulevard; (10) the standing water that now freezes since the resurfacing was done (11) New Journey (12) Spray Tec polluting the area; (13) the Middlesex County Health Officer's enforcement of specific items; (14) amount of accidents at the 4 intersections of Lincoln Boulevard; and (15) prioritizing issues that need to be addressed.

Monica Hassler, 135 Harris Avenue agrees with Mr. Hoffman, but does not understand Mr. Hoffman's hatred for the cats.

Mayor Dobies addressed all issues that were discussed in the public.

Seeing that there was no further public comment, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #40-13

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A.

10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Litigation – Board of Education
2. Increases for Part Time Employees

Councilwoman Jenkins made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

ADJOURNMENT

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk